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09/942,244	08/29/2001	David Henderson	14142	9133

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EXAMINER

CULBRETH, ERIC D

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,244

Applicant(s)

HENDERSON ET AL.

Examiner

Eric D Culbreth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46 is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 14, 22-25, 30-33, 37-39, 47-49 and 51 is/are rejected.
- 7) ☒ Claim(s) 15-21, 26-29, 34-36, 40-45 and 50 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 46, 48-49, and 51 are allowed.
2. Claims 15-21, 26-29, 34-36, and 40-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claim 30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth below in this Office action and to include all of the limitations of the base claim and any intervening claims.
4. Claim 50 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 30 and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 30, there is no antecedent basis for “the diameter of the inner surface of the bushing”.

From claim 50, it is not clear what the free rotation means is. If it is the bushing, then it is not clear what the fastener engagement means positioned at the inner surface frictionally engaging a fastener is (note that in claim 48, from which claim 50 depends, the “inner surface” is the inner surface of the free rotation means, not the attachment means; hence, it is not clear from the disclosure what the fastener engagement means at the inner surface of the free rotation means is). Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-2, 5-8, 13-14, 22-23, 31-33, 47-49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al in view of Ando et al (both of record).

Nakajima et al discloses an airbag device comprising a curtain 16 with an upper edge and opposing inner and outer surfaces. First and second plates 50E, 50D engage each opposing surface of the curtain, and at least one of the plates has an opening for bolt 44. Ando et al teaches a bobbin 32 and spacer 38 in an opening and in rotatable communication with a cover or plate 52. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakajima et al to include a spacer/bobbin or bushing with flanges as taught by Ando et al in order to guide the bolt and reduce friction relative to Nakajima et al's plates, in

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which case Nakajima et al's plates would rotate relative to the bolt 44 as per Ando et al, column 2, lines 39-51 (claim 1). It is noted that The American Heritage Dictionary, 2nd College Edition, defines a bushing as "A fixed or removable metal lining used to constrain, guide, or reduce friction". Hence, the skilled artisan, knowing that a bushing is used to guide and reduce friction, would include Ando et al's bobbin as a lining to guide the bolt and reduce friction, in the process facilitating rotation. Regarding claims 5, 22, and 47, in the combination Ando et al's flanges on bobbin 32 would retain the bushing on the plates as functionally recited. Regarding claim 48, Nakajima et al's case 50 is an attachment means clamping a portion of curtain 16, the opening for bolt 44 being in the case, and in the combination Ando et al's bobbin or bushing would be a free rotation means receiving a fastener adjacent the opening.

Regarding claims 2 and 23, Nakajima et al, the primary reference, teaches in Figure 3 a gap between the bolt 44 and the plates 50D, 50E, and in the combination this would teach the bushing being smaller than the opening in the plate.

Regarding claims 6-8 and 31-33, in the combination Ando et al's bushing comprises a first piece 32 engaged rotatably to a second piece 38, with the first piece attached to the attachment plate 50D by its outer flanges in the combination as broadly recited. Similarly, in the combination Nakajima et al's bolt head and washer on bolt 44 would attach Ando et al's spacer 38 to the bolt or fastener.

Both of Nakajima et al's plates 50D, 50E have an aligned opening for bolt 44 and in the combination the bushing would be in at least one attachment plate (claims 13-14).

Regarding claims 49 and 51, the structure around Nakajima et al's bolt 44 in the combination (the bobbin receiving the bolt in the combination) is a locking means securing the

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curtain 16 to the attachment means 50, and the attachment means 50 clamps a respective opposing surface of the inflatable curtain at plates 50D, 50E.

Because the examiner's rationale for the 103 rejection was omitted from the previous action (the entire dictionary definition was left out of the previous action) this action is being made nonfinal.

9. Claims 3-4, 9-11, 24-25 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al in view of Ando et al as applied to claims 1, 22 and 23 above, and further in view of Mautsch et al (of record).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakajima et al and Ando et al to include a bushing with a deformable leg or protrusion at the inner surface that is deformable to facilitate positioning of the bushing in the opening as taught by Mautsch et al in order to use a bushing that is readily attachable to the plates (claims 3-4 and 24-25).

In regards to claims 9-11 and 37-39, in the combination, Mautsch et al's bushing 14, 14 snaps together with the farthest piece 14 in Figure 1 being a female member in the combination rotatably engaging the attachment plate at the opening as broadly recited and the male member 14 nearest in Figure 1 has legs or protrusions that would engage a fastener.

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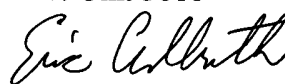
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric D Culbreth
Primary Examiner
Art Unit 3616



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